

The Examining Authority presented a series of questions which were outlined in its letter of 12 March 2025 to the Applicant and other Interested Parties, in order to receive further information about matters it considered relevant to the application. Newark and Sherwood District Council has responded to these questions in the following report and has provided the following schedule which provides an easy reference guide for the Examining Authority to see the comment to each of the questions posed to us.

| ExA Question No.  | Question to                        | Question   | NSDC Response   |
|---|------------------------------------|--|---|
| <b>2. Air Quality and Emissions</b>                     |                                    |  |   |
| Q2.0.1  | The Applicant, NSDC                | <p><b>First Iteration EMP</b></p> <p>NSDC says [REP5-068] that the Pre-commencement Plan and the Air Quality and Dust Management Plan align with each other, but that the First Iteration EMP seems to contradict both of these plans. Please ensure that the EMP aligns with the aforementioned documents and submit an agreed and updated version of the EMP.</p>  | NSDC has agreed all outstanding matters in the Statement of Common Ground regarding the First iteration EMP, Pre-commencement Plan, and Air Quality and Dust Management Plan.   |
| <b>3. Biodiversity, Ecology and Natural Environment</b> |                                    |  |   |
| Q3.0.4  | The Applicant (a), NSDC and NE (b) | <p><b>Compensatory Habitat Provision</b></p> <p>Please provide an update on the agreements to secure the lowland meadow compensation that is subject to a separate discussion with Natural England and the agreement to provide the woodland works at Doddington Hall.</p> <p>a) If these are not secured by the end of the examination how will this affect the conclusions of ES Chapter 8 [APP-052]?</p> <p>b) Should the compensation not be secured by the close of the examination, how might this alter the responses from NE and NSDC?</p> | <p><b>b) Lowland Meadow Compensation</b></p> <p>In paragraph 9.12. of the Local Impact Report [ REP1-035 ] Newark and Sherwood District Council (NSDC) were of the view that completion of the proposed bespoke compensation (i.e., the creation of ‘lowland meadow’ habitat of principal importance) would result in accordance with the National Networks National Planning Statement (NNNPS) requirements to provide as a last resort appropriate compensation measures where avoidance and mitigation measures are insufficient or not possible. If compensation for impacts on this habitat type are not secured by the close of examination, it would be NSDC’s view that the applicant has not taken adequate measures to ensure that this priority habitat has been protected and would therefore not be in accordance with the NNNPS requirements, or relevant local policy. Therefore, in accordance with paragraph 5.69 of the NNNPS, the Secretary of State (SoS) would have to decide if the uncompensated loss of this priority habitat is outweighed by the wider benefits of the proposed development.</p> <p><b>Woodland Works at Doddington Hall</b></p> <p>The proposed woodland enhancement works at Doddington Hall are intended to provide compensation for the loss of ‘lowland mixed deciduous woodland’ habitat of principal importance. If compensation for impacts on this habitat are not secured by the close of examination, it would be NSDC’s view that the applicant has not taken adequate measures to ensure that this priority habitat has been protected and would not be in accordance with the NNNPS requirements, or relevant local policy. Therefore, in accordance with paragraph 5.69 of the NNNPS, the Secretary of State (SoS) would have to decide if the</p> |

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|  |                          |  | uncompensated loss of this priority habitat is outweighed by the wider benefits of the proposed development. In making that judgement, should the lowland meadow compensation also not be secured at close of examination, NSDC are of the view that any decision by the SoS should consider the cumulative effect of failure to compensate for both habitat types.   |
| Q3.0.5   | The Applicant, NCC, NSDC | <p><b>Habitat Severance</b></p> <p>During ISH 4 [EV10-002] it was confirmed that NSDC no longer had any concerns relating to habitat severance. NCC commented that it is still in discussion on this point and would address this through the SoCG. Can all parties please ensure the matter of habitat severance is included in their SoCG and confirm if they are content that this issue has been resolved. If NCC continues to have concerns, please detail these and how might they be reasonably addressed.</p>  | As set out in Issue 40 of NSDC's Statement of Common Ground with National Highways, following further review of 6.1 Environmental Statement – Chapter 8 Biodiversity [APP-052] and discussions under Agenda Item 3 'Biodiversity' during Specific Hearing 4 on Thursday 05 December, NSDC are of the view that whilst there are potential adverse impacts on designated sites, habitats and species, the evolution of the scheme design has followed the mitigation hierarchy appropriately, and acknowledges that the process does not necessarily mean that potential adverse impacts will always be avoidable. Therefore, NSDC is now in agreement with the Applicant regarding this matter. |
| <b>5. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations</b> |                          |  |   |
| Q5.0.13  | Applicant, NSDC          | <p><b>Land Rights Tracker URN 035</b></p> <p>It is stated parties to agree HoTs within Examination window, this suggests an agreement will not be finalised or concluded by the close of the examination and matters will therefore not be resolved by the close of the Examination. Please ensure there is a clear statement of the applicant's and NSDC's position in relation to the CA / TP of the affected land so that this can be adjudicated in the recommendation report and a recommendation put to the SoS.</p>   | As of 18 <sup>th</sup> March 2025, we have a draft agreement which our solicitors have stated is acceptable and will be followed up with National Highways to ensure this is secured within the timeframe.  |
| <b>8. Cultural Heritage</b>  |                          |  |   |
| Q8.0.1   | NSDC and NCC             | <p><b>Archaeology</b></p> <p>Following a review of the most recent SoCGs [REP6-032] and [REP6-030], are the host authorities content that the applicant has undertaken sufficient ground investigations to inform the most recent Archaeological Management Plan (AMP) [REP5-026] and are they in agreement with this document?</p> <p>Are all parties content with those matters included in the First Iteration EMP REAC CH1 to CH10 [REP6-012]? Does any party have any outstanding concerns relating to archaeology? If so, please provide details and reasonable actions to address them.</p> | NSDC is content for Nottinghamshire County Council's Archaeologist to respond to this question as they have been in negotiation with the Applicant throughout this process.   |

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| <b>10. Landscape and Visual Effects</b> |               |  |   |
| Q10.0.1                                 | The Applicant | Finishing Materials of Cattle Market Grade Separated Junction In [REP4-040] 3.6, page 19 the applicant confirms that the material finish of the Cattle Market grade separated junction will include a banding of red brick material and that this, coupled with landscaping, will assist in reducing the potential adverse impacts on views towards Newark travelling south along the Great North Road. How is this secured through the dDCO and are there any drawings and/ or documents that require to be certified to be updated to reflect this? Does this need to be captured in the Requirements and if so, should NSDC be a consultee? | <p>Although this is not directed to NSDC we would wish to provide helpful comment to the Inspector on it.</p> <p>NSDC considers that the use of materials and final design should be captured in the dDCO and secured through the Requirements, and given that we have raised the design of the junction as an issue throughout this process, we would request to be a consultee.</p>   |
| <b>13. Population and Human Health</b>  |               |  |   |
| Q13.0.3                                 | NSDC          | <p><b>Unoccupied Residential Unit at the Former Mint Leaf Restaurant</b></p> <p>Do you have any comments relating to the loss of the residential unit at the former Mint Leaf restaurant which was noted in the applicant's DL5 submissions?</p>   | NSDC is aware that the restaurant has closed and has been closed for some time. The residential unit is located above the restaurant and does not appear (from reviewing our records) to have a separate planning consent and is assumed it was created in association with the restaurant or is an historical use. The loss of this use, although the Council does not now have a 5year housing land supply due to the changes to the NPPF, is not considered harmful to the Council's housing supply given the undesirable location outside of the Newark Urban Area. The Council does not raise an objection to this.  |
| <b>14. Traffic and Transport</b>        |               |  |   |
| 14.0.1                                  | The Applicant | <p>Outline Traffic Management Plan</p> <p>a) Can NSDC's [REP5-068] comments in respect of the OTMP/ diversions be accommodated/ addressed? If yes, please provide an updated OTMP which you have sought to agree with NSDC. If no, please explain why. b) Two of the diversions in [REP6-018] are referred to as A.1.4 (pages 38 and 49) and therefore do not accord with the diversions referenced by NCC in [REP6-037]. Please rectify this in the final version of this document.</p>   | <p>Although this is not directed to NSDC we would wish to provide helpful comment to the Inspector on it.</p> <p>REP6-034 from the Applicant has sought to try to explain this. However from the Council's own conversations with Nottinghamshire County Council/VIA on other infrastructure projects which affect the A46, namely the construction of the SLR, whereby Hawton Bridge was at risk of becoming a rat run for traffic diverting from the A46, even though this was not an approved diversion route, to save a long diversion or waiting in traffic, the stance has been to close Hawton Bridge. Whilst this has not been well received with residents of Hawton, if this is night-time closures, this is potentially less disruptive. However, the impact on Hawton Bridge was only deemed high priority given the SLR is not yet complete with the tie-in to the A46. Once the A46 roundabout is complete (expected by September 2026), then the impact on Hawton Bridge from use by local traffic should be alleviated. We would however expect NCC/Via to be notified in advance of the works to assess any impact as Hawton and Hawton Bridge are not suitable for strategic highway traffic given its configuration.</p> |

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| <b>15. Surface Water Drainage</b> |                     |  |  |
| Q15.2.2                           | NSDC, The Applicant | <p><b>Kelham and Averham FCA</b></p> <p>Please consider and provide a response to [REP6-039]</p> | <p>NSDC understand, from comments submitted by the Environment Agency (REP6-034), that they have agreed that part two of the Exceptions Test has been satisfied. This is reflected in Issue 44 of the Statement of Common Ground between NSDC and National Highways. Matters of flood risk, culverts and the suitability of the FCAs to compensate for the water displacement is a matter which the LPA would expect to be dealt with by the more experienced Environment Agency.</p> <p>With regard to the Kelham FCA, it is clear from the EA reps (REP6-034) that the FCA access crossing from the A617 to the fields over the FCA channel are still being discussed and that the EA are awaiting further information on this matter. Given this was submitted at deadline 6, like the comments from Mr Hatton, he would not have had chance to see these. The EA continue to state that more detailed design works are taking place and to be submitted at deadline 7 by the applicant. Of note however is that, if the Haha is located within the grounds of Kelham Hall, this is a Grade 1 Listed Building and therefore of high significance, and any changes within its grounds may be subject to separate consent/consideration. The Haha is not noted on the listing description from Historic England and are planned ditches to prevent livestock from entering the 'formal' grounds. It is therefore highly likely that they are associated with the Hall in some way. If there are no historic features, such as a brick wall, then changes are likely to be acceptable if needed.</p> <p>NSDC notes that the Environment Agency has two unresolved issues:</p> <ol style="list-style-type: none"> <li>1. There is limited information available on the Scheme's interaction with the existing Environment Agency flood defences. The FRA mentions that the Scheme will 'tie-in' with existing Environment Agency flood but there is no explanation for how this will occur, or how it will be ensured that there will be no detriment to the defences. The EA has indicated that progress is being made.</li> <li>2. The EA is satisfied with the amendments to the PCP (Rev 3). However, following the receipt of further information from the Applicant (by email dated 20 February 2025) in relation to the Kelham and Averham FCA, the PCP will need to be further updated to include additional activities for the preparation of this FCA.</li> </ol> <p>NSDC consider these matters fall within the remit of the Environment Agency and it is for them to determine if National Highways response is acceptable.</p> |